

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

MARTHA E. MCCARTER,

Plaintiff,

v.

NANCY A. BERRYHILL,¹

Acting Commissioner of Social Security,

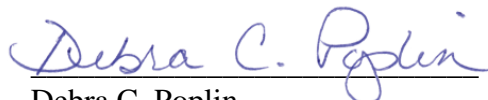
Defendant.

No. 3:16-CV-385-DCP

ORDER

Having received the joint stipulation of the parties in the matter pending now before the Court and upon review of the record, IT IS HEREBY ORDERED that attorney fees in the amount of \$5,200.00 be paid to Plaintiff under the Equal Access to Justice Act (“EAJA”), 28 U. S. C. § 2412(d). In accordance with *Astrue v. Ratliff*, 560 U.S. 586 (2010), the EAJA fee is payable to Plaintiff as the litigant and may be subject to offset to satisfy a pre-existing debt that the litigant owes to the United States. The parties have agreed that Plaintiff has assigned any award of legal fees to her attorneys. If Plaintiff owes no debt to the United States, the payment of EAJA fees can be made to Plaintiff’s attorney per the assignment.

ENTER:



Debra C. Poplin
United States Magistrate Judge

¹ Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Nancy A. Berryhill should be substituted for Acting Commissioner Carolyn W. Colvin as the defendant in this suit. No further action need to be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).